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Fax Transmittal

December 5, 2005

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16517.295	4979	We are transmitting 3 page(s) (including this cover sheet)		
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MESSAGE				

Re: Appeal No. 2005-2654; Conf. No. 8906
U.S. Patent Appln. Ser. No. 10/021,323 filed December 12, 2001
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants
Inventors: Jill DEIKMAN *et al.*
Atty. Docket: 16517.295 (38-21(52274)B/US)

Please see the attached Express Abandonment under 37 CFR § 1.138(a) for the above-identified application.

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December 5, 2005

VIA FACSIMILE

Board of Patent Appeals and Interferences
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

Appeal No. 2005-2654
Confirmation No. 8906

Re: U.S. Patent Application Serial No. 10/021,323 filed December 12, 2001
Inventors: Jill DEIKMAN *et al.*
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants
Atty. Dkt.: 16517.295 (38-21(52274)B/US)

Sir:

Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office is an Express Abandonment under 37 C.F.R. § 1.138(a). A courtesy copy of this letter and its attachment is being sent via facsimile to the Board of Patent Appeals and Interferences.

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Appellants do not believe any fees are due in conjunction with this filing. However, if any fees under 37 C.F.R. § 1.16 or § 1.17 are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter LLP Deposit Account No. 50-2387, referencing docketing number 16517.295.

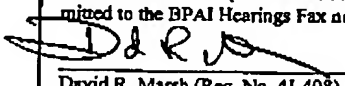
Sincerely,



David R. Marsh (Reg. No. 41,408)

Attachment

I hereby certify that this transmittal and the attached Express Abandonment under 37 C.F.R. § 1.138(a) are being facsimile transmitted to the US PTO Central Fax number (571-273-8300), with a courtesy copy facsimile transmitted to the BPAI Hearings Fax number (571-273-0299).


David R. Marsh (Reg. No. 41,408)

December 5, 2005
Date

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Jill DEIKMAN *et al.*

Appln. No.: 10/021,323

Filed: December 12, 2001

For: Nucleic Acid Molecules and Other Molecules Associated with Plants

Confirmation No.: 8906

Art Unit: 1634

Examiner: James Martinell

Atty. Docket: 16517.295

Express Abandonment Under 37 C.F.R. § 1.138(a)

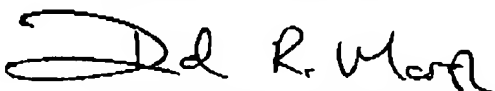
Mail Stop Express Abandonment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby expressly abandon U.S. Application Serial No. 10/021,323 under 37 C.F.R. § 1.138(a) in view of a continuing application filed on December 2, 2005.

Should the Commissioner require additional information, he is invited to contact the undersigned at the number provided below. The undersigned is an attorney of record and therefore has authority to expressly abandon the above-captioned U.S. application in favor of a continuing application filed on December 2, 2005.

Respectfully submitted,

David R. Marsh, Reg. No. 41,408
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Filed: December 5, 2005

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